

III. REMARKS

Claims 1-30 are pending in this application. By this Amendment, claims 1, 9, 17 and 25 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office indicates that the claimed subject matter is allowable over the prior art of record. Applicant gratefully appreciates this indication.

1. 35 U.S.C. 112, 2nd Paragraph rejection

In the Office Action, claims 25 and 28-30 are rejected under 35 U.S.C. 112, 2nd Paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicant regards as the invention. Specifically, the Office asserts that claims 25 and 28-30 claim both an apparatus and the method steps of using the apparatus. Applicant respectfully disagrees because the above mentioned claims are means-plus-function type structure claims which are permissible and deserve patent protection. Specifically, the claimed “means” are limited by the functions thereof under 35 U.S.C. 112, 6th paragraph. In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 112, 2nd Paragraph.

2. 35 U.S.C. 101 rejections

In the Office Action, claims 1-30 are rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office asserts that the claimed subject matter fails to produce a useful, concrete and tangible result. Applicant respectfully disagrees because it is well known/inherent that the claimed simulation of transient conditions in a circuit can be used to analyze/tune the circuit, which is a useful, concrete and tangible result. The specification also specifically discloses such a usage. (*See*, e.g., paragraph 0004 of the current application.) Nevertheless, Applicant has amended claims 1, 9, 17 and 25 to further clarify and resolve this condition. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

The Office also asserts that the claim language of claims 17-24 does not claim a practical application. Specifically, the Office asserts that the data does not impart functionality to either the data as claimed or to the computer, and the claimed invention thus recites non-functional descriptive material, i.e., mere data. Applicant respectfully disagrees because the claimed program code is executable by a computer system, which enables the computer system to perform the functions. As such, claims 17-24 are not directed to mere nonfunctional descriptive material. Nevertheless, by this Amendment, claim 17 has been amended to further clarify and resolve this condition. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Spencer K. Warnick/

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